IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

WRIT PETITION NO. 1379 OF 2005 .

Bank of India ... Petitioner.
V/s.
The Seksette Catholic Housing
Society Ltd. ... Respondents.

Shri P.K. Dhakephalkar i/b M/s Trilegal for the petitioner.

Ms. Ranjana Parikh i/b Mr. Saroj Shah for the respondent.

CORAM : V.C.DAGA, J.

DATED : 21.12.2005.

P.C. :

. Heard rival parties.

2. This petition is directed against the impugned order whereby both the Courts below have decreed the suit filed by the respondent-original plaintiff.

3. At this stage, it will not be out of place to mention that this matter was adjourned on two occasions to enable the parties to arrive at some settlement. However, no settlement has been reported by either of the parties.In that view of the matter, petition is taken up for admission.

4. Having examined the impugned order, one has to conclude that the view taken by the Courts below

is a reasonable and possible view. This Court is not expected to reappreciate evidence so as to dislodge the concurrent findings of fact recorded by the Courts below. Petition is devoid of any substance and the same is accordingly dismissed in limine with no order as to costs.

5. At this stage,learned Counsel for the petitioner-Bank prays for 18 months time to vacate the suit premises; since the Bank will have to move the Reserve Bank of India for obtaining licence in respect of the new suit premises.

5. Learned Counsel for the respondents-original plaintiff concedes to this request subject to furnishing usual undertaking to vacate the suit premises and continuing to pay agreed rent by way of compensation during this period of 18 months, subject to adjustment to be made pursuant to the decree that may be ultimately passed in the mesne profits proceedings. Payment and receipt thereof shall be without prejudice to the rival parties. Accordingly, time is granted on the above terms subject to filing an undertaking within 4 weeks as indicated herein.

6. In the result, petition stands dismissed in limine in terms of this order with no order as to costs.